



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

§ § § §

9999999999

Application No.:

09/944,521

Filed: August 31, 2001 Inventor(s):

James Grey and Douglas

Melamed

Title:

SYSTEM AND METHOD

**ENABLING** 

ASYNCHRONOUS

**EXECUTION OF A TEST** 

EXECUTIVE SUBSEQUENCE

Examiner:

Banankhah, Majid A.

Group/Art Unit:

2195

Atty. Dkt. No:

5150-49600

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

Signature

~ 12/7/·

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER CFR 1.181(a)

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Applicant hereby submits this Petition in response to the Notice of Abandonment in the above-identified application. The notice indicates Applicant did not submit a timely payment of the required issue fee in the amount of \$1,400.00. The notice indicates that the Applicant did, however, submit a timely payment of the required publication fee in the amount of \$300.00.

Applicant submits that the authorization to charge the required issue fee payment in the amount of \$1,400.00 and the required publication fee in the amount of \$300.00 were mailed on August 8, 2005 on the same Form PTOL-85. Attached are a true and correct copy of the signed and dated Form PTOL-85 which was submitted in duplicate on August 8, 2005 and a copy of the return receipt postcard stamped as received by the U.S. Patent Office on August 11, 2005, which evidences the previous submission of the authorization to charge the required issue fee payment.

Applicant respectfully requests entry of this Form PTOL-85 in the application and requests that the Notice of Abandonment be vacated or withdrawn.

No fees are believed necessary; however, should any fees be required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-49600/JCH.

Respectfully submitted,

Jeffrey C. Hood Reg. No. 35,198

ATTORNEY FOR APPLICANTS

Meyertons, Hood, Kivlin, Kowert & Goetzel PC

P.O. Box 398

Austin, TX 78767-0398 Phone: (512) 853-8800

Date: /2/7/2005

PART B - FEE(S) TRANSMITTAL Mail Stop ISSUE FEE Complete and send this form, together with applicable fee(s), to: Mail Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 (571) 273-2885 or <u>Fax</u> INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and location of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) Discriping a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. maintenance fee notifications. Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address DEC 0 9 2005 07/19/2005 JEFFREY C HOOD
MEYERTONS HOOD KIVLIN KOWERT AND GOET PROPERTY AND Certificate of Mailing or Transmission I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. P O BOX 398 AUSTIN, TX 78767-0398 Jeffrey C. Hood (Sizma (Date 2005 ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE FIRST NAMED INVENTOR APPLICATION NO. 51:50-49600 08/31/2001 James Grev 09/944,521 TITLE OF INVENTION: SYSTEM AND METHOD ENABLING ASYNCHRONOUS EXECUTION OF A TEST EXECUTIVE SUBSEQUENCE DATE DUE **PUBLICATION FEE** TOTAL FEE(S) DUE APPLN. TYPE SMALL ENTITY ISSUE FEE 10/19/2005 \$1700 \$300 \$1400 nonprovisional CLASS-SUBCLASS ART UNIT **EXAMINER** BANANKHAH, MAJID A 2195 714-025000 Meverions Hood Kivlin Kower Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list & Goetzel, P.C. (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. Jeffrey C. Hood "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. Jason L. Burgess 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY) National Instruments Corporation Austin, TX Individual Corporation or other private group entity Government Please check the appropriate assignee category or categories (will not be printed on the patent): 4b. Payment of Fee(s): 4a. The following fee(s) are enclosed: Issue Fee A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. Publication Fee (No small entity discount permitted) 5. Change in Entity Status (from status indicated above) ■ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. Date **Authorized Signature** Jeffrey C. Hood 35.198 Typed or printed name\_ Registration No.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):

James Grey and Douglas Melamed

Assignee:

National Instruments Corporation

Serial No.:

09/944,521

Filing Date:

August 31, 2001

Title:

SYSTEM AND METHOD ENABLING ASYNCHRONOUS

EXECUTION OF A TEST EXECUTIVE SYSTEM CE

Atty. Dkt. No.:

5150-49600

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon' will acknowledge receipt of the attached 1) Form PTOL-85B (in duplicate); and 2) Return Postcard.

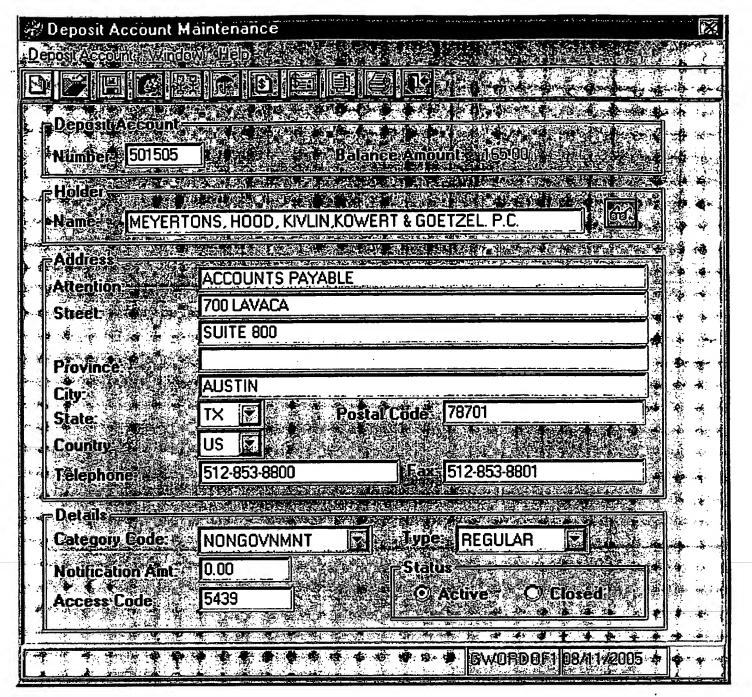
JCH/jam

Via First Class Mail

AUG 1 1 2005

## NOTICE OF FEE DUE

DATE:	8 Julos		<u> </u>
TO:	issue F	<u>_</u>	
FROM:	Office of Initial Patent Exam	ination	
SUBJECT:	Fcc Due		
APPLICATION NUM	BER <u>69/944</u>	N21	
TOUR TOUSON.   ICASE	uthorizations is present	for the appropria	and Trademark Office for to te authorizations to charge the Appropriate Fee. If an
Insufficient fee by check	i.		
Insufficient funds in dep	osit amount		
Insufficient by Credit Ca	rd		
Declined credit card		•	
Non-authorization for cha	arge to deposit account		•
No fee submitted per requ	irement		
The correct fee code:	<del>/</del>	Amount	s_/400·
The suspended fee code: 199	9	Amount	\$
The suspended 162	2	Amount	s
The suspended 262	2	Amount	\$
Fee Due			s./4N
Terminal Operator	Yerut		



:					_			
			PART B	- FEE(S)	TRANSMITTAL	À	•	
-	Sample and sand st	his form Together wit		• • •		FEE		
Somplete and send this form, together with applicable fee(s), to: Mail				Commissioner to	Commissioner for Patents P.O. Box 1450			
11 2005				Alexandria, Virg	inia 22313-1450			
1	AUG 11 TURS			or E	ax (571) 273-2885	D Division I though 6 at		
1	INSTRUCTIONS: This for	rm should be used for trans respondence including the l relow or directed otherwise	mitting the ISSUI estent, advance ord in Block 1, by (a)	E FEE and lers and notifiers and notifiers and notifiers and notifiers are also asserted to the special part of the special pa	BX (571) 273-2885 PUBLICATION FEE (if requirements fees we new correspondence address.	red). Blocks I through 3 s ill be mailed to the current and/or (b) indicating a sepa	correspondence address as trate "FEE ADDRESS" for	
	maintenance fee notification	S. ADDRESS Obtain I be Block I for	em chann of atturn)		Note: A configurate of	mailing one only be used for	na damastia mailiana af sha	
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block ) for any change of address)				Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmith! This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.				
		590 07/19/2005				•		
	P O BOX 398	OOD KIVLIN KOWER	T AND GOET	ZEL PC	I hereby certify that the States Postal Service vandressed to the Mai	tificate of Mailing or Trans is Fee(s) Transmittal is bein with sufficient postage for fu I Stop ISSUE FEE address TO (571) 273-2885, on the	g deposited with the United st class mail in an envelope above, or being facsimile	
	AUSTIN, TX 7876					ffrey C. Hood	(Depositor's same)	
	1/2005 HDESTA2 00000	079 501505 09944521	L			)(n	(Signature)	
01 F	C:1504 300.00 C:8001 15.00					9/8/2005	(Dem)	
	APPLICATION NO.	FILING DATE	FIRST NAMED INVEN		DINVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/944.521 08/31/2001				James	Grey	5150-49600	3260	
					EXECUTION OF A TEST EX		DATE DUE	
	APPLN. TYPE	APPLN, TYPE SMALL ENTITY ISSUE			PUBLICATION FEE	TOTAL FEE(S) DUE		
	nonprovisional	NO	\$1400	) 	\$300	\$1700	10/19/2005	
	EXA	AINER	ART UN	17	CLASS-SUBCLASS	] .		
	BANANKH	BANANKHAH, MAJID A			714-025000		·	
1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  1. Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  1. Tee Address indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.			2. For printing on the patent front page, list  (1) the names of up to 3 registered patent attorneys    Weyertons Hood Kivlin Kowert & Goetzel, P.C.					
			or agents OR, alternatively,  (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.					
						L. Burgess		
3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)								
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed frecordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.								
(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)						•		
				Austin, TX				
	Please check the appropriat	te assignee category or categ	ories (will not be p	ripted on the	patent): 🗖 Individual 💢	Corporation or other private a	group entity Government	
	4a. The following fee(s) an		4	b. Payment o	f Fee(s):			
Issue Fee				A check in the amount of the fee(s) is enclosed.				
Publication Fee (No small entity discount permitted)			ted)	Payment by credit card. Form PTO-2038 is attached.				
Advance Order - # of Copies				The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Denocit Account Number 501505/5150-49600 (enclose an extra copy of this form).				

5. Change in Entity Status (from status indicated above) ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. 8/8/2005

**Authorized Signature** Date Jeffrey C. Hood 35,198 Registration No. Typed or printed name

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, Patents of Commissioner for Patents, P.O. Box 1450, Alexandria, P.O. Box 1450, Alexa

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.